

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
10 April 2018

From: Scrutiny Committee

Subject: **POLICY REVIEW – ENFORCEMENT POLICY ON FLY-TIPPING – FINAL REPORT**

All Wards

1.0 SUMMARY:

1.1 Between July 2017 and February 2018 the Committee undertook a review of the Council's Enforcement Policy on Fly-Tipping. This report sets out the Committee's findings, conclusions and recommendations.

2.0 INTRODUCTION:

2.1 The Enforcement Policy on Fly-Tipping was considered an appropriate topic for review because concern had been raised about whether the Council's current policy was effective. Fly-tipping was an increasing problem nationally and there had been a significant rise in the number of fly-tipping incidents and the quantities of material recovered in York and North Yorkshire in the last 3 years.

2.2 The Committee as a whole undertook the review pursuant to the following terms of reference:

- to review the Council's enforcement policy on fly-tipping;
- to consider whether the enforcement policy on fly-tipping was fit for purpose and effective; and
- to explore how successful the Council's enforcement policy was in reducing fly-tipping.

2.3 In order to determine whether the District Council's plans, policies and practices were effective, the Committee decided to:-

- review the District Council's Enforcement Policy on Fly-Tipping;
- review statistics on incidences of Fly-Tipping; and
- review benchmarking information from other Authorities.

3.0 EVIDENCE

3.1 The following witnesses attended meetings of the Committee to give evidence, namely:

- Paul Staines, Director for Leisure and Environment, Hambleton District Council (HDC); and
- Gary Brown, Waste and Street Scene Manager (HDC).

3.2 The Committee also reviewed the following documents in detail:

- Street Scene Management Enforcement Policy;
- statistics of fly-tipping incidents in Hambleton; and
- a report on levels and volumes of fly-tipping, costs and benchmarking and enforcement action.

4.0 FINDINGS

4.1 Based on the written and oral evidence presented, the Committee's findings were as follows:

4.1.1 The Committee acknowledged that the District Council's Policy was currently being updated and it was intended to compare this policy with other similar enforcement policies so that best practice could be identified and adopted where appropriate. It was also necessary to take account of changes to legislation and incorporate these into the policy as appropriate. The draft of the revised Policy was not available at the time this review was undertaken but it was envisaged that this would be submitted to the Committee for consideration in due course.

4.1.2 The Committee recognised that collection and enforcement action were carried out in-house by members of the Street Scene Team and that the Council employed one full time Senior Street Scene Officer who had responsibility for investigation, surveillance and enforcement of a range of offences, including fly-tipping.

4.1.3 The Committee was advised that enforcement action was difficult and time consuming to carry out and efforts were constantly being made to improve the service both in terms of enforcement and in prevention and improved reporting.

Levels and Volumes of Fly-Tipping

4.1.4 The Committee was informed that there had been an increase in the number of fly-tipping incidents in Hambleton from 237 in 2014/15 to 293 in 2016/17. The overwhelming majority had taken place on the highways.

4.1.5 Whilst incidents of fly-tipping of household waste had decreased, there had been an increase in the incidents of fly-tipped tyres and construction waste. This showed a direct correlation with the implementation of charging for these materials at the North Yorkshire County Council run Household Waste and Recycling Centres.

4.1.6 The Committee recognised that cross-border incidents of fly-tipping were difficult to identify. However, where evidence was found relating to tipping from addresses in neighbouring authorities, this was pursued.

Costs and Benchmarking

4.1.7 The Committee was advised that the costs associated with removal and disposal of fly tipped materials had risen significantly over the last three reported years. Costs had risen between 22% and 302% across North Yorkshire authorities.

4.1.8 Within Hambleton the cost had risen from £23,028 in 2015/16 to £44,485 in 2016/17. This was a rise of 93% and reflected the tonnage collected from fly-tip sites and not just the number of individual tips. Some significant tips especially of tyres and construction waste require several trips or the use of large vehicles to remove them.

4.1.9 There was no reliable data available on fly tipping enforcement in other authorities at the time the review was undertaken.

Enforcement Action

4.1.10 The Council was responsible for the investigation and removal of fly-tipping from public land and the investigation of fly-tipping on private land. Prosecution was pursued if it was considered to be in the interest of the Council/members of the public.

- 4.1.11 The deployment of cameras, signage, investigation and case preparation work were undertaken by the Senior Street Scene Officer. Collection of fly-tipping was generally undertaken by Waste and Street Scene staff. There were occasions where appropriately qualified sub-contractors were contracted to undertake the collection and disposal of hazardous waste, such as asbestos, or where it was not possible to collect with staff within Waste and Street Scene. The original cameras used for surveillance were damaged beyond economical repair while deployed in the field. Replacement cameras were purchased in April 2017. They have since been deployed in 7 locations, in total 60 days/nights. Unfortunately, whilst 1 fly tip was detected, no vehicle registration plate was visible.
- 4.1.12 It was estimated that the Senior Street Scene Officer spent approximately 2 days per week directly undertaking fly-tipping investigation and enforcement duties. The Committee reported that incidents of fly-tipping were dealt with very quickly and wished to commend the Waste and Street Scene team for their efforts in tackling this problem.
- 4.1.13 In the last three years there had been no prosecutions for fly-tipping. This was due to insufficient evidence in some cases and in others the offenders had been willing to pay the District Council's costs without the need for prosecution. In 2015/16 five offenders paid a total of £754, in 2016/17 three offenders paid £490 and in 2017/18 (up to October 2017) one offender had paid £200, with a second being summonsed to court.
- 4.1.14 The Council introduced garden waste charging in April 2017 and this had drawn considerable resource away from other service areas. However, now that the system was up and running staff had been able to prioritise other work and since September 2017 there had been increased publicity around fly-tipping, with prominent features on the website, increased signage being deployed around the district, press releases and social media items. It was planned to continue this push and to encourage people to name and shame if they saw a fly-tip they could trace to an individual or business.

Promotion and Publicity

- 4.1.15 The Committee suggested that more should be done to raise public awareness regarding fly-tipping. Informing the public about what steps the authority takes to tackle the issue of fly-tipping could be a good deterrent. Making public statements about prosecutions and incidents of fly-tipping would help highlight this issue and show that this matter is taken seriously and is dealt with accordingly.
- 4.2.16 The Committee also suggested the introduction of a more interactive portal on the website to enable the reporting of incidents. This could also be a useful tool. This could be an alternative to emailing or reporting the incident by telephone and would assist in mapping any hot-spots or increases in levels of fly-tipping.
- 4.2.17 It was acknowledged that the level of information contained on the website could be improved and this was identified as an area for further development.

5.0 CONCLUSIONS:

- 5.1 The Committee concluded from the evidence that the current policy for enforcement on fly-tipping was not currently effective and fit for purpose and required updating, although the Committee recognised that this work was already being undertaken. The Committee requested that the draft policy be submitted to the Committee at the appropriate time for consideration.
- 5.2 The Committee also identified promotion and publicity as an area for potential improvement.

- 5.3 The Committee suggested that the information contained on the website be reviewed and that an interactive page on the website for reporting incidents could be a useful tool.
- 5.4 The Committee suggested that more cross-agency working could be of benefit to tackling fly-tipping.

6.0 RECOMMENDATIONS:

6.1 To recommend to Cabinet that:-

- (1) it be noted that the current Enforcement Policy on Fly-tipping was not currently effective and no longer fit for purpose and required updating, although the Committee recognised that this work was already being undertaken;
- (2) the draft updated Enforcement Policy be presented to Scrutiny Committee for consideration at the appropriate time;
- (3) consideration be given to providing more promotion and publicity about fly-tipping and enforcement to raise awareness;
- (4) information on the Council's website regarding fly-tipping be updated, including exploring the possibility of an interactive portal to report incidents; and
- (5) consideration be given to more multi-agency working to tackle the issue within North Yorkshire.

COUNCILLOR S P DICKINS
CHAIRMAN

Background Papers: None
Author ref: LAH
Contact: Louise Hancock
Democratic Services Officer
Direct Line: 767015